

ED

Notice of Allowability

Application No.

09/853,803

Applicant(s)

KUO, YOUTI

Examiner

Jonathan ML Foreman

Art Unit

3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 7/9/07.
2. ☒ The allowed claim(s) is/are 1,8,11,14-18,22 and 23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20070723</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Youti Kuo on 7/23/07. The interview was initiated by the Examiner to place the amendment filed 7/9/07 in compliance with 37 CFR 1.121, and thus result in an allowance of the claims.

The application has been amended as follows:

The following claims have been amended as shown:

[[2.]] (Currently Amended) 8. The body fluid diagnostic device of claim 1 wherein said dispensing means includes an elastic membrane valve, said elastic membrane valve having flexible valve segments separated by cross-cut slits with slit clearance sufficiently small for liquid-proof sealing of the dispensing opening when said elastic membrane valve being in the closed position.

[[3.]] (Currently Amended) 11. The body fluid diagnostic device of claim 1 wherein:

- a. the sensing means is comprised of a renewable biosensor system which includes at least one reusable electrode system having a plurality of electrodes and counter electrodes, said electrode system being positioned on at least one wall of the test channel; and
- b. the test channel has an opening in one wall of said test channel for the inlet flow of a controlled quantity of reagent into the test channel for forming a mixture with body fluid,

said mixture being removable from the electrode system and from the test channel by a treatment liquid.

[[4.]] (Currently Amended) 14. The body fluid diagnostic device of claim 1 including a channel cover for the test channel opening and said channel cover being slidable to its closed and open positions.

[[5.]] (Currently Amended) 15. The body fluid diagnostic device of claim 1 including a driving means for imparting a vibrating motion to the test head.

[[6.]] (Currently Amended) 16. The body fluid diagnostic device of claim 14 [[4]] wherein the channel cover comprises:

- a. a saddle-shaped base with an opening which coincides with the channel opening when the channel cover is in an open position; and
- b. guide ribs on the underside of the saddle-shaped base for engaging with slots in the edge surface of the test head and for guiding the sliding movement of the channel cover to its open and closed positions when said guide ribs are engaged in said slots.

[[7.]] (Currently Amended) 17. The body fluid diagnostic device of claim 16 [[6]] wherein the movement of the channel cover is actuated by a solenoid contained in the handle.

[[8.]] (Currently Amended) 18. The body fluid diagnostic device of claim 14 [[4]] wherein the movement of the channel cover is in response to the dispensing action of a reagent from a cartridge into the test channel.

[[9.]] (Currently Amended) 22. A handheld diagnostic device comprising:

- a. a handle;
- b. a test head having a sensing surface and a reflective fiber optical sensor positioned on the sensing surface, said test head being attached to the handle;

Art Unit: 3736

- c. a test channel formed by a gap between a detachable channel wall and the sensing surface of said test head, said detachable channel wall having a reflective surface opposing to said sensing surface for reflecting the light beam emitting from the fiber optical sensor, and said test channel being capable of collecting and retaining a fluid sample by capillary force;
- d. a signal processing means for converting the output sensing signal of the fiber optical sensor as representative of the tested properties of the fluid sample to readable or storable information, said signal processing means having an input means for receiving the output sensing signal and an output means for producing a signal for information display or storage; and
- e. a power source attached to said handle for energizing the sensing means and the signal processing means.

[[10.]] (Currently Amended) 23. A handheld diagnostic device comprising:

- a. a handle;
- b. a test head attached to the handle having a sensing surface and an electrode system, said electrode system having a plurality of electrodes and opposing counter electrodes positioned on said sensing surface and being spaced apart for forming a gap comprising a test channel between opposing measuring surfaces of said electrodes and counter electrodes whose other non-measuring surfaces being covered with insulating layer, and said test channel being capable of collecting and retaining a test sample by capillary force;
- c. a signal processing means for converting the output sensing signal of the electrode system as representative of the tested properties of the fluid sample to readable or storable information, said signal processing means having an input means for receiving

Art Unit: 3736

the output sensing signal and an output means for producing a signal for information display or storage; and

d. a power source attached to said handle for energizing the sensing means and the signal processing means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan ML Foreman whose telephone number is (571)272-4724. The examiner can normally be reached on Monday - Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571)272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JMLF



MAX HINDENBURG
SENIOR PATENT EXAMINER
TECHNOLOGY CENTER 3700